

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3403 OF 2006

Sudam Sadba Dalvi
(since deceased through his legal heirs)
Smt. Shalan Sudam Dalvi & Ors ...Petitioners

V/s.

Pandurang Vishnu Bhujbal ...Respondent

Shri.P.J. Pawar for Petitioners.
None for Respondent.

CORAM : V.M. KANADE, J.

DATED : 7th MARCH, 2007.

P.C. :-

1. Heard learned counsel for the Petitioners.
2. Petitioners are the original defendants. They are challenging the order passed by the Trial Court in application below Ex.35 filed by the Respondent/Plaintiff.
3. Respondent/Plaintiff filed a suit for declaration and injunction being Special Civil Suit No.269/1997. Written statement was filed by the defendant Nos.1, 4, 5 and 6 and it was specifically stated that Sudam Sadba Dalvi had expired in the year 1995.

Respondent/Plaintiff therefore, filed application Ex.35 for adding legal heirs of Sudam Sadba Dalvi on record. This application was allowed by the Trial Court.

4. The learned counsel for the Petitioners submitted that the suit which was filed by the Respondent/Plaintiff against Sudam Sadba Dalvi itself was not maintainable as Sudam Sadba Dalvi had already expired before filing of the suit. He submitted that, therefore, heirs of Sudam Sadba Dalvi would not be brought on record.

5. These submissions of learned counsel for the Petitioners can not be accepted. I have perused the impugned order. The Trial Court has held that party can be added at any stage of the proceeding. There is reason to interfere with the impugned order while exercising writ jurisdiction under Article 227 of the Constitution of India.

. Writ Petition is accordingly, dismissed.

V.M. KANADE, J.